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In the Matter of:

MATTHEW GIBSON

VS

LOUISE E. GOLDSTON

JEFF MCPEAKE

February 23, 2022



5010 Dempsey Drive Cross Lanes WV 25313 304-415-1122

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA AT BECKLEY

MATTHEW GIBSON,

Plaintiff,

-vs- Civil Action No. 5:21-cv-00181

LOUISE E. GOLDSTON, individually, COUNTY COMMISSION OF RALEIGH COUNTY, a political subdivision, JEFF MCPEAKE, individually, BRIAN WHITE, individually, BOBBY STUMP, individually, KYLE LUSK, individually,

Defendants.

DEPOSITION OF JEFF MCPEAKE

The deposition of Jeff McPeake was taken on February 23, 2022, at 1:36 p.m., at 252 George Street, Beckley, West Virginia.

ELITE COURT REPORTING, LLC 5010 Dempsey Drive Cross Lanes, West Virginia 25313 (304) 415-1122

Tara Arthur, CCR

1	APPEARANCES	Page 2
2	John H. Bryan	
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6	Kevin J. Robinson Attorney at Law	
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12	Also Present: Louise E. Goldston Matthew Gibson	
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1	I N D E X	Page 3
2	WITNESS	
3	Jeff McPeake	
4	EXAMINATION	
5	by Mr. Bryan Page 04	
6	EXHIBITS	
7	None	
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10		
11		
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17		
18	Reporter's Certificate: Page 67 Errata Sheet/Signature Page: Enclosed	
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Page 4 1 JEFF MCPEAKE, called as a witness, first being duly sworn 2 by the Court Reporter/Notary Public, 3 testified as follows, to wit: 4 5 **EXAMINATION** 6 BY MR. BRYAN: 7 Hi. I am John Bryan. I will be 8 asking you the questions here. I am the plaintiff's lawyer in this case. I represent 9 10 Matthew Gibson. 11 Please state your name. 12 Α. Jeffrey McPeake. And I will note for the record that 13 you are wearing a law enforcement uniform 14 here today; is that right? 15 16 Α. Yes. Okay. Who is your employer? 17 Raleigh County Sheriff's 18 Α. 19 Department. 20 And are you a sheriff's deputy? 21 Α. I am. And how long have you been in that 22 Ο. 23 job title? 24 Just over two years. A.

Page 5 1 All right. And as far as the Q. 2 uniform you are wearing here today, that's the Raleigh County Sheriff's Department 3 uniform? 4 5 Α. Yes. We are here about a search that 6 7 took place on March 4, 2020. Do you recall 8 that day? 9 I remember that day, yes. 10 Were you wearing the same type of uniform then? 11 12 Α. Yes. 13 And were you employed by the 14 Raleigh County Sheriff's Department then? 15 Yes. 16 And were you wearing the same type 17 of uniform that day? 18 Yes. A. 19 Do you carry a qun? Ο. 20 A. Yes. 21 Do you have one on you today? Q. 22 Yes. Α. 23 Did you have one on you on March 4, 0. 24 2020?

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Page 6
 1
           Α.
               Yes.
               All right. How long had you --
 2
     well, strike that.
 3
               Do you work as a bailiff now?
 4
               I do.
 5
           A.
               And did I already ask you how long
 6
 7
     you have been doing that?
 8
               Yes.
                      Just over two years.
 9
               Two years. All right.
           0.
10
               What did you do before that,
11
     two years ago?
12
           Α.
               I was retired from the Beckley
13
     Police Department.
14
               Were you working at all?
               Prior to coming here, no.
15
     Retired for a couple of years.
16
17
               So when did you leave the Beckley
           Ο.
     Police Department?
18
19
               2017.
           Α.
20
               And how long had you been employed
           Q.
21
     there?
22
               Twenty years.
           A.
23
               So had you ever worked as a bailiff
24
     before?
```

Page 7 1 Α. No. So before two years ago, you hadn't 2 worked as a bailiff? 3 Correct. 4 Α. 5 So about when was it that you started as a bailiff? 6 7 September of '19. 8 So roughly six months or so before this incident took place, you started as a 9 bailiff? 10 11 Correct. And you have been working in that 12 job position ever since? 13 14 Α. Yes. 15 Who is your -- do you have a supervisor? 16 17 I do. It is Lieutenant Stafford. 18 Okay. So who -- I mean, who is 19 your -- who do you take orders from? 20 it be the judge or your -- someone in -- you 21 know, Lieutenant Stafford, or both? 22 I don't see Lieutenant Stafford on 23 a regular basis. There may be days where we 24 don't see each other in the courthouse.

- 1 work at different levels, different floors.
- When the judge needs me, she will say, we are
- 3 ready for a hearing, and I will go out and
- 4 get the parties and escort them into the room
- 5 -- to the courtroom.
- 6 O. Okay. So, I mean, if you have a
- 7 policy or procedure question, something like
- 8 that, do you go to the judge, or do you go to
- 9 some --
- 10 A. I would go to Lieutenant Stafford
- 11 with something like that.
- 12 Q. Do you still work as a bailiff for
- 13 Judge Goldston?
- 14 A. Yes.
- 15 Q. Have you ever worked as a bailiff
- 16 for any other judge?
- 17 A. I do. I have worked for all of the
- 18 judges that are currently judges in the
- 19 courthouse now at one time or another as a
- 20 fill-in if someone is sick or can't be there
- 21 for some reason or --
- 22 Q. Both circuit court and family
- 23 court?
- 24 A. Correct.

Page 9 1 But would you say that primarily 0. you are the bailiff for Judge Goldston? 2 3 That's my primary position, yes. Did you prior to becoming a bailiff 4 or even after becoming a bailiff undergo any 5 specific training to be a bailiff, you know, 6 7 that the other deputies wouldn't necessarily 8 receive? 9 Not prior to becoming a bailiff. Α. However, I did go to a class in Charleston on 10 11 courthouse security for some in-service 12 And as I recall, that was about --13 about three days of classroom instruction. 14 Do you recall where that -- where 15 that took place? 16 The Marriott in Charleston. Α. 17 Was that by the LEPS subcommittee? Ο. 18 Α. I believe it was, yes, LEPS. 19 Do you recall about when that was? Ο. 20 I do not. A. 21 Q. Where --22 It was roughly -- after I -- after Α. 23 I was hired, I needed to get some in-service hours fairly quickly. So I am thinking it 24

Page 10 was in the winter of '19. 1 So it sounds like it was probably 2 before this incident took place? 3 4 Α. Yes. 5 Was that something that your employer sent you for? 6 7 Α. Yes. Or was that something that you had 8 found in --9 10 Α. No. Okay. So your employer came to you 11 and said, this is training we are sending you 12 13 for, you have to do it? Sent me and Officer Johnson who 14 worked as a bailiff. We both went down 15 16 together. 17 Do you recall whether there was any 18 written materials that you received during 19 that? 20 There may have been handouts. It Α. was mostly overheads. 21 22 All right. Do you still have --Ο. 23 No. Α. 24 -- have that? Q.

- 1 A. No.
- 2 Q. During the time that you had been a
- 3 bailiff for Judge Goldston, had you traveled
- 4 with her to the home of any other litigant
- 5 other than my client?
- 6 A. No.
- 7 Q. So this was the only time that you
- 8 went with Judge Goldston to somebody's house?
- 9 A. Yes.
- 10 Q. Do you know of any other bailiffs
- 11 who traveled with Judge Goldston to the home
- 12 of a litigant?
- 13 A. Not while I have been working
- 14 there.
- 15 Q. Did you know of any other bailiff
- 16 prior to you working there?
- 17 A. Going with her -- I had never
- 18 asked. I had gone with another judge,
- 19 another family court judge. And I asked the
- 20 guy that works on my floor, which is Sergeant
- 21 Lilly, if it is okay if we do this. And he
- 22 told me affirmative that we could do that.
- Q. When you say you went with another
- 24 judge, do you mean to the home of a litigant?

Page 12 1 Α. Yes. Which judge was that? 2 Q. Judge Shuck. 3 Α. 4 Q. Okay. So you traveled to the home 5 of a litigant when you were acting as a bailiff for Judge Shuck? 6 7 Correct. A. 8 Q. How often did you act as a bailiff 9 for Judge Shuck? 10 Weekly. We have three family court judges on the floor, and we have two 11 bailiffs. So if Judge Goldston is off, I 12 13 will bailiff for Judge Shuck. 14 And when you went to talk to Sergeant Lilly, was that after this event had 15 16 already occurred, or was this before? This was before the Judge Goldston 17 Α. visit. 18 19 Was it after the visit with Judge 20 Shuck that you participated? 21 I don't understand your question. Α. 22 All right. You said that you 23 traveled with Judge Shuck to the home of a 24 litigant in a case before Judge Shuck?

Page 13 Two cases actually. 1 A. 2 Two cases. Okay. Q. 3 Well, the first of those two cases, that is the one where you had the 4 5 conversation with Sergeant Lilly? Α. Correct. 6 7 When you had the conversation with Sergeant Lilly, was that before or after the 8 first Shuck incident took place? 9 10 Before any incident -- anytime I left the courthouse, I said, is it okay if we 11 12 And he goes, yeah, we do that from time to time. 13 14 Okay. What's Sergeant Lilly's 15 first name? 16 Aaron. Α. Is he still with the sheriff's 17 0. 18 department? 19 He is. A. 20 And so why did you ask Sergeant Q. 21 Lilly? 22 He is the only other officer on my 23 floor. He is the only other family court 24 bailiff.

Page 14 1 Was he higher in rank than you at 0. the time? 2 3 Yes. Was he in the role of a supervisor 4 Q. 5 for you at that time? 6 Yes. Α. 7 So if you -- you know, he is the 8 type of person if you did have a question like that, you felt like you could go to him? 9 10 Correct. Did he have the ability to issue 11 12 you orders that you had to -- you were 13 compelled to follow? 14 He does have that ability, yes. 15 But would it be fair to say that he 16 wasn't your direct supervisor at that time? 17 He was not the supervisor at the courthouse at that time. 18 19 Prior to the first time doing this 20 with Judge Shuck, had you heard of these 21 sorts of incidents taking place? 22 Α. No. 23 So when the first one was about to Ο. 24 happen, I quess you -- it seemed unusual --

Page 15 1 it must have seemed unusual enough to you to 2 ask Sergeant Lilly? Well, the lawyers that were 3 involved seemed to be -- it wasn't unusual 4 5 for them, it appeared. They said, okay, let's go look and see. And so it appeared to 6 7 me as if it was something that occurred on a 8 fairly regular basis. 9 Q. Do you recall who those lawyers 10 were? I think it was Jim 11 I am not sure. 12 Keenan and Kyle Lusk, I believe. One of those two on the first visit. 13 14 And do you recall about when that 15 was? I don't. 16 Α. 17 But it was prior to the incident we are here about today? 18 19 Yes. Α. 20 What about the second -- the second 0. 21 time, was that also prior to --22 Α. Yes. 23 -- this incident? 0. 24 Do you recall when that was

Page 16 1 approximately? I don't. 2 Α. Do you recall who the lawyers were 3 who were involved in the second one? 4 5 I am thinking Todd Kirby may have Α. been one, but I'm -- I may -- may not be 6 7 right on that. 8 And did you have any conversations Q. 9 with any supervisors or other deputies about the second Shuck incident? 10 11 No. No. 12 Do you have an independent recollection of this incident that we are 13 here about today before we start talking 14 about it? 15 16 Α. Yes. 17 I mean, do you recall it in your 18 Or are you going to be testifying and 19 answering questions about what you have 20 reviewed? 21 I haven't reviewed anything. Α. 22 Actually, it is all --23 So whatever I ask you about and you Ο. 24 answer, this is just your recollection?

```
Page 17
 1
           A.
               Correct.
 2
               Okay. Good.
           Q.
 3
               When you arrived at Matthew
     Gibson's house on March 4, 2020, you were
 4
 5
     driving a marked police cruiser; is that
     right?
 6
 7
               Yes.
           A.
 8
               And that said, what, Raleigh County
           Q.
     Sheriff's Department on it?
 9
10
               Yes.
11
               And was anyone else in the vehicle
12
     with you?
13
               Judge Goldston.
           A.
14
               Okay. And why did you -- did you
     know what was happening, or did you know why
15
     you were going to Matthew Gibson's house?
16
17
           A.
               Yes.
18
               Had you been in the hearing --
19
               Yes.
           Α.
20
               -- that took place immediately
           Q.
21
     prior to that?
22
               I had, yes.
           Α.
23
               So you had heard the conversations
           Ο.
24
     that were taking place in the courtroom?
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- 1 A. That's correct.
- 2 Q. So what is your recollection was
- 3 the reason that you were traveling with Judge
- 4 Goldston to Mr. Gibson's home?
- 5 A. It appeared that there had been a
- 6 previous hearing that his wife -- ex-wife had
- 7 been awarded some items that she didn't
- 8 receive. And he indicated that he did have
- 9 the items. And it seems that one of the
- 10 lawyers said, well, let's go get them or -- I
- 11 may be getting that confused with another
- 12 case.
- 13 But it just seemed like -- I knew
- 14 we were going to the residence to retrieve
- 15 specific items that were not provided. As I
- 16 recall, it was a contempt case. And those
- 17 specific items were what we were going to
- 18 retrieve or attempt to retrieve.
- 19 Q. After you arrived on the property
- 20 with Judge Goldston, Mr. Gibson verbally
- 21 voiced objections to you and the judge being
- 22 there on his property, isn't that true?
- 23 A. He approached the judge and spoke
- 24 with her, yes.

Page 19 1 Okay. He asked her to recuse 0. herself because he said she had placed 2 herself in a witness capacity, I believe, 3 right? 4 Something along those lines, yes. 5 And then Judge Goldston denied his 6 7 request saying that it wasn't timely filed? 8 Α. Yes. Do you recall Mr. Gibson demanding 9 10 a search warrant before he allowed anyone in 11 his home? 12 Α. Yes. You were aware of the fact that 13 14 there was no search warrant, right? 15 Correct. 16 Okay. So you knew at the time that you did not have a search warrant? 17 18 Correct. 19 You knew that Judge Goldston did 20 not have a search warrant? 21 Α. Correct. 22 You knew what a search warrant was, 0. 23 right? 24 I do. A.

Page 20 And how long did you work for the 1 0. Beckley Police Department? 2 3 A. Twenty years. During that 20 years, did you ever 4 Q. seek and obtain a search warrant? 5 Α. Yes. 6 7 Did you ever execute a search 8 warrant? 9 Α. Yes. 10 Are you able to give me some approximation of how many search warrants you 11 participated -- participated in executing 12 13 during the time you worked for Beckley? 14 Me personally filing the paperwork for the search warrant, I would say roughly 15 16 20. What about participating in the 17 0. execution of a search warrant? 18 19 I did many of those -- as my 20 capacity -- I eventually made the deputy 21 chief of police. So I was over the drug units and drug -- the detective bureau. 22 23 would accompany those guys on occasion --24 Q. So you were --

Page 21 1 -- in a supervisory capacity. A. 2 So you were supervising other officers who were investigating drug cases? 3 Correct. 4 Α. Would you agree with me that in 5 drug cases, it's extremely common to obtain 6 7 and execute search warrants? 8 Α. Yes. 9 So you are familiar -- I mean, you are familiar with what -- you know what a 10 search warrant is? 11 12 Α. Yes. 13 You are familiar with the process 14 of how they can be obtained? 15 Α. I am. 16 Right? Q. 17 Α. I am. 18 You are familiar with the process 19 of executing search warrants? 20 Yes. A. 21 And to be clear, there was no Q. 22 question in your mind on March 4, 2020, that 23 there was no search warrant which had been 24 issued or even requested to be able to search

Page 22 Mr. Gibson's home? 1 2 Correct. Also on March 4, 2020, you were 3 aware of the fact that Judge Goldston was not 4 a law enforcement officer, right? 5 Correct. 6 Α. 7 You were aware at all times that 8 she was in fact a family court judge? 9 Α. Correct. You were also aware of the fact on 10 11 March 4, 2020, that -- you were aware that 12 judges don't search homes, right? 13 No. I was not aware of that. 14 Okay. So on March 4, 2020, you 15 were not aware that judges do not search 16 homes? That's correct. 17 Α. 18 Okay. At some point did you become 19 aware that judges do not search homes? 20 After this case was brought up -- I Α. 21 had no idea if family court judges could go

23 search warrant, as far as my history as a

in homes or not.

22

24 police officer goes, is if we need a search

The process of obtaining a

- 1 warrant, we go to a judge, they issue the
- 2 search warrant and then we go back to home.
- 3 So with the judge being with me, I felt as if
- 4 that base had been covered so to speak.
- 5 Q. Okay. But you did not request that
- 6 Judge Goldston issue a search warrant for
- 7 Mr. Gibson's home, right?
- 8 A. I did not.
- 9 Q. I mean, you weren't involved in
- 10 that process at all? You were just the
- 11 bailiff?
- 12 A. Correct.
- 13 Q. So you accompanied her on that day
- 14 to Mr. Gibson's home because she told you to?
- 15 A. Right.
- 16 Q. During your time at the Beckley
- 17 Police Department, including supervising
- 18 other police officers, did you ever
- 19 experience a judge personally searching any
- 20 property?
- 21 A. No. I was always involved with
- 22 criminal cases, never civil cases.
- Q. But you were aware of the fact that
- on March 4, 2020, that the process that you

- 1 were familiar with -- in your experience as
- 2 far as obtaining search warrants and
- 3 executing search warrants -- there was no
- 4 process like that followed on March 4, 2020?
- 5 A. No. I had -- like I said, this was
- 6 a civil case that I had no experience in.
- 7 Q. Okay. So you were confused or
- 8 unsure about what the law with family court
- 9 as opposed to a criminal investigation; is
- 10 that right?
- 11 A. Yes. By having the judge with
- 12 me -- I didn't feel it necessary for me to go
- 13 to a judge and get a search warrant if I had
- 14 a judge with me.
- 15 Q. In your law enforcement career, did
- 16 you ever in lieu of getting a search warrant
- 17 just take a judge with you to the property?
- 18 A. No.
- 19 Q. Had you ever heard of anyone else
- 20 doing that?
- 21 A. No.
- 22 Q. But it was just your assumption at
- 23 the time that it might be okay because the
- 24 judge was with you?

- 1 A. I felt as if we recessed from the
- 2 courtroom and re-adjourned at the home.
- 3 Therefore, I -- I didn't need another judge
- 4 -- I mean, the judge was there.
- 5 Q. There was no emergency situation
- 6 occurring inside Mr. Gibson's home on
- 7 March 4, 2020, right?
- 8 A. Correct.
- 9 Q. So the reason that the judge wanted
- 10 inside was solely to search for property?
- MS. TULLY: Objection.
- 12 Q. If that's your recollection?
- 13 A. I don't remember us going there to
- 14 search. I remember us going there to
- 15 retrieve items that were agreed that were
- 16 going to be taken from him and given to her.
- 17 Q. You were going in his house to look
- 18 for items?
- 19 A. To obtain what he said he did have
- 20 and was going to provide her.
- Q. So you were going inside Mr.
- 22 Gibson's house to retrieve items, correct?
- 23 A. Correct.
- Q. And not to -- not because there was

Page 26 1 some emergency occurring inside? 2 A. Correct. There was no choking baby inside? 3 Q. 4 Α. Correct. There was no 911 caller inside? 5 Q. Correct. 6 Α. 7 Now, would it be fair to say -- or Q. 8 would you agree with me that Mr. Gibson did 9 not voluntarily consent to you and the judge 10 entering his house? 11 When we got on the property, he did 12 voluntarily object to us going in the house. So he did not consent -- Mr. Gibson 13 14 did not consent to a search of his house, is 15 what I am asking? 16 At first, yes. 17 0. Okay. He did not consent at any 18 point, did he? 19 I think as we went along, he said 20 okay. 21 And he only went along with it Q. 22 after he was threatened with arrest, right? 23 I can't answer for him. Α. 24 All right. Do you recall Mr. Q.

1	Gibson being threatened with arrest?	Page 27
2		
	A. Yes.	
3	Q. And who made that threat?	
4	A. The judge.	
5	Q. And who would have arrested him if	
6	she followed through with that threat?	
7	A. I would have.	
8	Q. So at the beginning, you were the	
9	only law enforcement officer there, right?	
10	A. Yes.	
11	Q. And you were a sworn law	
12	enforcement officer on March 4, 2020?	
13	A. Yes.	
14	Q. You had handcuffs with you?	
15	A. I did.	
16	Q. You had a police cruiser?	
17	A. Yes.	
18	Q. You had a gun?	
19	A. Uh-huh.	
20	Q. You had a radio?	
21	A. Yes.	
22	Q. You had arrest powers?	
23	A. Yes.	
24	Q. And had Judge Goldston instructed	
i		

- 1 you to arrest Mr. Gibson for not letting her
- 2 inside his house, you would have done so?
- 3 A. I would have checked with my
- 4 supervisor before arresting him, yes.
- 5 Q. Okay. You didn't tell Mr. Gibson
- 6 that at the time though, did you?
- 7 A. He and I really didn't talk.
- 8 Q. Okay. Well, you were present when
- 9 the judge looked at him and said you will be
- 10 arrested if you don't let us in your house?
- 11 A. Yes.
- 12 Q. And you didn't speak up and say,
- 13 well --
- 14 A. No.
- 15 Q. -- let me check with my supervisor
- 16 first?
- 17 A. No, I did not.
- 18 Q. So would it be fair to say that
- 19 Mr. Gibson was under the impression that he
- 20 would be arrested by you if he chose not to
- 21 allow you in his house?
- 22 A. Yes. I would say yes.
- 23 Q. And at some point before you went
- in the house, didn't you call for a response

Page 29 1 by other deputies? 2 Α. Yes. And how did that occur? 3 Q. 4 Α. Well, when we are in the courtroom 5 -- the plaintiff and respondent, their attorneys, the judge and myself are in the 6 7 courtroom. It is a very small courtroom. 8 And when we were going to go to the home --9 we were probably the last people to get to 10 I didn't realize there were 11 witnesses involved for both parties. 12 once we pulled in, I realized how many people were there. And then I became a little 13 nervous about it. I didn't know who was with 14 15 whom, and who should be there, who shouldn't. 16 And we got out of the car pretty quickly as I recall, and we started walking 17 18 over toward the gazebo with a swing. 19 then he talked to the judge about getting a 20 search warrant --21 Who was "he"? Ο. 22 The --Α. 23 Mr. Gibson? Ο. 24 A. Mr. Gibson.

- 1 -- about getting a search warrant.
- 2 And then it became a little what I would call
- 3 contentious back and forth. And I went ahead
- 4 and called for a backup officer at that
- 5 point. And typically I do that as I pull
- 6 into a restaurant -- or a restaurant -- or a
- 7 residence. Can you tell it is lunch time?
- 8 When I pull into a residence -- I
- 9 should have gone out on the radio and
- 10 informed EOC that I was at a residence with
- 11 the judge.
- 12 Q. Which is not -- hang on. Which is
- 13 not something that you would do in a hearing
- 14 at the courthouse?
- 15 A. Right. Correct.
- 16 Q. Okay. So at some point you called
- 17 for other officers. And why? What is the
- 18 reason that you would want other police
- 19 officers?
- 20 A. There were a lot of people there.
- 21 And it is a smart thing to do, I think, to
- 22 get other officers there.
- Q. At that point --
- A. Anytime you have people disagreeing

- 1 over certain things, you want -- you know, I
- 2 want EOC to know I am there. And if there is
- 3 somebody available, they can send a backup
- 4 officer.
- 5 O. And who is EOC?
- 6 A. The emergency operations center.
- 7 Q. So at some point, did additional
- 8 officers show up?
- 9 A. Yes.
- 10 Q. And who was that that showed up?
- 11 A. Stump and Brian White, I believe.
- 12 Q. But you didn't call them right when
- 13 you showed up at the property? You called
- 14 them well into the interaction, right?
- 15 A. Correct. I called EOC, and EOC
- 16 called them. It wasn't like me calling them
- 17 directly.
- 18 Q. So you requested additional police
- 19 officers to be at the scene via EOC?
- 20 A. Correct.
- 21 Q. And you did that after Mr. Gibson
- voiced objections to you and Judge Goldston
- 23 being on his property?
- 24 A. Correct.

Page 32 1 In fact, you did that after you 0. seized Mr. Gibson's cell phone? 2 I didn't seize Mr. Gibson's cell 3 4 phone. 5 All right. Well, let's talk about Q. At some point, did you come into 6 7 possession of Mr. Gibson's cell phone? I did. 8 Α. Well, how did Mr. Gibson's cell 9 10 phone get into your possession? 11 He handed it to me, and I stuck it 12 in my shirt pocket. 13 And why did Mr. Gibson hand you 14 Mr. Gibson's cell phone? The judge told him that it was 15 16 against the law to record a court hearing, and we were in the middle of a court hearing. 17 18 And when this took place, as you 19 say in the middle of a court hearing, 20 physically where were you standing at that 21 time? 22 On the gazebo, as I recall. Α. 23 And where was the gazebo located? Ο. 24 In the front yard of his home. A.

Page 33 1 So you were standing in the front 0. yard of Mr. Gibson's home at the time that 2 his cell phone was handed to you? 3 Correct. 4 Α. 5 And Mr. Gibson handed you his cell phone because the judge ordered him to, 6 7 right? 8 Α. Correct. And the judge ordered him to 9 10 because Mr. Gibson had been attempting to record what was happening, right? 11 12 Α. Correct. And he was told by the judge that 13 14 he could not record what was happening --15 Α. Yes. 16 -- right? Q. 17 And so he had to give over his cell 18 phone to you? 19 Α. Yes. 20 He had to stop recording? Q. 21 Yes. Α. 22 Even though he was standing on his Ο. 23 own property? 24 Yes. Α.

Page 34 1 Now, there were other people there Q. 2 recording as well, correct? I wasn't aware of it, no. 3 Do you recall anyone else being 4 Q. 5 told to turn off --No. 6 A. 7 -- recordings? Q. 8 Α. No. 9 And at the time that the cell phone 0. was handed to you and you put it in your 10 11 pocket, again, you were on duty as a law enforcement officer, right? 12 13 Yes. A. 14 You were on the clock? 0. 15 Yes. Α. 16 And you were in uniform? Q. 17 Α. Yes. 18 Had you already called for backup 19 at that time? 20 I am not sure if I had or not. 21 But it was about that time that you Ο. radioed for more officers to arrive? 22 23 Α. Yes. 24 Would you agree with me that Matt Q.

Page 35 Gibson did not consent to giving you his cell 1 2 I mean, you know what consent is, You deal with consent in your career 3 right? as a police officer? 4 5 Right. A. You obtain consent before you 6 7 search someone's car for instance, right? 8 Right. A. 9 So you know what consent is? 10 I do. My question to you is, in your 11 12 opinion, being an eyewitness there, do you 13 think Mr. Gibson consented to handing you his 14 cell phone? 15 No. 16 Do you recall how long the search of Mr. Gibson's home lasted? 17 18 I would guess -- no. I don't Α. 19 recall. I would --20 You were there the entire time? 0. 21 Α. Yes. 22 So the entire time that the judge Ο. 23 was there, you were there? 24 A. I was.

Page 36 1 Okay. Do you think it was at least Q. 20 minutes long? 2 3 Yes. A. At some point, you began to record 4 Q. 5 what was happening inside the house, right? I think I started to record before 6 7 we went in -- in the home. But I am not 8 sure. Well, we have a recording that you 9 10 took of inside the house during the search. 11 A. Okay. 12 Q. Right? We should have. 13 14 I mean, that -- that was a recording that you took? 15 16 Α. Uh-huh. 17 0. Yes or no? 18 Α. Yes. 19 Was that taken on your personal 20 cell phone? 21 A. Yes. 22 Why did you -- why did you start 23 recording inside Mr. Gibson's house? 24 For the protection of everyone A.

Page 37 involved. 1 Now, you had been on two of these 2 before with Judge Shuck, right? 3 Yes. 4 Α. 5 During either of the searches with Judge Shuck or whatever -- whatever occurred, 6 7 did you record what took place in either of those two prior instances? 8 9 Α. Yes. 10 Do you still have those videos? Q. 11 Α. No. What did you do with them? 12 Q. 13 They were deleted. Α. 14 Were they given to anybody before 15 they were deleted? 16 In this incident, I gave it to our Α. case coordinator. And then it was deleted. 17 And in the incident that we are 18 19 here about today? 20 Right. A. 21 In either of the two Shuck 0. 22 incidents, did you do anything with the 23 videos? 24 They were actually photos of guns, Α.

Page 38 firearms that we took when the video just --1 individual photos. 2 And what did you do with those 3 Q. photos? 4 5 They were deleted. Α. Before being deleted, were they 6 7 provided to anybody? That case settled quickly. 8 Α. No. And I was told we didn't need them. 9 10 Do you recall whether there were 11 any search warrants involved in those? 12 Α. There were not. After this incident, did you ever 13 14 have any additional conversations with any of 15 your supervisors about whether it was appropriate or within your employer's 16 policies to accompany judges outside of the 17 courthouse? 18 19 Α. Yes. 20 And tell me about that. Who did 0. 21 you have a conversation with? 22 The quy I work with, which is Α. 23 Sergeant Lilly. 24 So the same Sergeant Lilly that you Q.

Page 39 1 talked to --2 Uh-huh. Α. -- before going with Judge Shuck? 3 Q. 4 Α. Yes. 5 And when did that take place? I think the day that we got back 6 7 from his home. From whose home? 8 0. Mr. Gibson's home. 9 10 Q. And did you approach Sergeant Lilly, or did he approach you? 11 I went to him and told him 12 A. Yeah. 13 that we had to call and have a backup officer 14 come -- come to the home. And as I recall, he said he would -- he knew Mr. Gibson or 15 16 someone at the police department knew Mr. I don't remember who it was. 17 Gibson. 18 Was he already aware of the Ο. 19 incident? 20 Α. I don't think he was aware of it until I made him aware of it. 21 22 So did he say anything else? Ο. 23 No. Α. 24 Did you have any other Q.

- 1 conversations about whether you would
- 2 continue to go on these visits or searches
- 3 with a judge?
- 4 A. Not as I recall.
- 5 Q. Were there ever any written
- 6 policies or procedures with your employer
- 7 that pertain specifically to bailiff duties?
- 8 A. Not that I -- not that I recall.
- 9 MR. ROBINSON: Object to the
- 10 form. Just -- well, go ahead.
- 11 Q. Do you recall what -- was there
- 12 ever any change in policy after the -- after
- 13 the incident at Mr. Gibson's house, was there
- 14 ever any change in policy, whether written or
- 15 unwritten as you understood it, as to whether
- or not you were allowed to ever again
- 17 accompany a judge to a litigant's house?
- 18 A. Not as I recall, no.
- 19 Q. So you were never told by your
- 20 employer not to do that again?
- 21 A. No. My job is the judge's safety.
- 22 So if she or he goes somewhere or feels the
- 23 need to go somewhere, I would accompany them
- 24 for their safety.

- 1 Q. Okay. I mean, your job is also to
- 2 protect the safety of any citizen, right?
- 3 A. Secondarily. When I am -- when I
- 4 am with the judge, she is my primary concern
- 5 or he, whatever judge is there. As far as
- 6 what the petitioners or respondents are
- 7 doing, that's not really why I'm there.
- 8 Q. Okay. Well, I mean, you are there
- 9 to protect the petitioners and respondents as
- 10 well, right?
- 11 A. If something happened, I would grab
- 12 the judge and go and let whatever happened
- 13 happened. So I don't know if that answers
- 14 your question or not.
- 15 Q. Well, yeah. It does. I mean, is
- 16 that -- is that something that you were --
- 17 that is a policy, or that you are taught to
- 18 do? Or is that just something you do on your
- 19 own?
- 20 A. Well, all law enforcement officers
- 21 are there to protect the safety of the good
- 22 guy and the bad guy. I mean, I don't want
- 23 anything to happen to anybody while I am on a
- 24 scene.

- 1 Q. Is there some rule somewhere that
- 2 says, I mean, your job is to only protect the
- 3 judge and not protect anyone else?
- 4 A. No. And that's not what I am
- 5 saying. I am saying the judge is my primary
- 6 responsibility.
- 7 Q. After going inside Mr. Gibson's
- 8 house, what did you do inside?
- 9 A. I stood, watched what was happening
- 10 for the most part.
- 11 Q. Did you help to look for anything?
- 12 A. No.
- Q. Did you ever grab a hold of any
- 14 item of personal property?
- 15 A. No.
- Q. But at some point, you did film
- 17 inside Mr. Gibson's house?
- 18 A. Yes. As I recall, the phone
- 19 battery was -- typically, I don't keep it
- 20 charged up well. It was low. But I wanted
- 21 to make sure and get as much recorded -- I
- 22 don't want someone to say we did this or
- 23 didn't do this. I wasn't filming Mr. Gibson
- 24 or Mrs. Gibson or the judge. I was filming

- 1 overall, as I think it would be appropriate
- 2 -- any officer with a body camera would have
- 3 the same footage as what I was filming.
- Q. And when you say "we," you are
- 5 talking about you and the judge?
- A. Yeah. I am not sure what context I
- 7 said we. I mean, you could refresh my
- 8 memory.
- 9 Q. Okay. Well, you had done -- you
- 10 had done this twice before with Judge Shuck,
- 11 right?
- 12 A. Yes.
- 13 Q. And you said that both of those
- 14 times you either took video or took pictures?
- 15 A. Not both of those times. One --
- 16 one time.
- 17 Q. All right. Well, one of those
- 18 times at least you took photographs of some
- 19 firearms to document what was taken from the
- 20 residence?
- 21 A. Correct.
- Q. And when you went to Matthew
- 23 Gibson's house, you didn't take photos, but
- 24 you took video to document what was happening

Page 44 inside his house? 1 2 Correct. And at one point, in fact, you are 3 filming the inside of Mr. Gibson's gun safe? 4 5 Probably. A. You are filming Mr. Lusk and his 6 7 client walking around inside Mr. Gibson's 8 house? 9 Probably. Α. 10 You are filming items that are being taken by Mr. Gibson's ex-wife pursuant 11 12 to the instructions of the judge? 13 Right. I stayed in the room with Α. 14 the judge until Mr. Gibson approached me and 15 asked me if I would accompany him to look in 16 his gun safe. At that point, I left. 17 asked the judge if she felt comfortable with 18 me doing that. She told me yes. We went to 19 the gun safe. And he actually opened the 20 safe and showed me in the gun safe. 21 And that was after you had already Q. been filming? 22

And that was after the search was

Correct.

Α.

Q.

23

24

Page 45 1 already under way? 2 A. Correct. 3 MS. TULLY: Object to the use of the term "search." 4 5 But go ahead. MR. BRYAN: I could read the 6 7 Supreme Court's holding if you want me to. MS. TULLY: And I can still 8 9 object. Go right ahead. 10 MR. BRYAN: Your objection is 11 noted. 12 The search was under way at the time that Mr. Gibson first mentioned -- or 13 14 showed you the inside of his gun safe, right? 15 Α. Yes. And Mr. Gibson had already been 16 17 threatened with arrest prior to that, right? 18 Yes. A. 19 His cell phone had already been 20 seized prior to that? 21 Yes. Α. You had already called for 22 23 additional law enforcement officers to show 24 up to back you up prior to that, right?

Page 46 1 Α. Yes. Would it be fair to say that you 2 did more inside Mr. Gibson's house than just 3 ensure the judge's safety, but that you to 4 some extent participated jointly with the 5 judge by documenting what was happening 6 7 inside? 8 MS. TULLY: Objection. 9 0. Let me -- strike that. Let me 10 rephrase that question. It was pretty 11 sloppy. 12 Would you agree with me that you did more on March 4, 2020, than merely 13 14 protect the judge's safety or guard the judge inside Mr. Gibson's house? 15 16 My role there is protecting the 17 judge as I stated. And all of our hearings, 18 all of them, 100 percent of them, are 19 I felt as if we were still in a videotaped. 20 courtroom setting. So I felt that it would 21 be a good idea to video as much as I could. 22 My battery was low. And I would have 23 videotaped start to end. 24 But you weren't -- you weren't just Q.

Page 47 1 taking surveillance footage, you were 2 documenting --3 I was -- I was documenting what people were saying and what people were 4 5 taking as much as I could. Okay. But when you are acting as a 6 7 bailiff in the courtroom, I mean, you're not 8 getting out your cell phone and 9 documenting --10 Did not. 11 -- exhibits or anything like that? The courtroom facilities do 12 I don't have -- I am not. 13 that for me. 14 And that -- I mean, that, to be 15 fair, doesn't have anything to do with Judge 16 Goldston's safety -- personal safety, does 17 it? 18 MR. ROBINSON: Object to the 19 form. 20 Do you understand the question? 21 If you could rephrase it maybe. Α. 22 Your actions in documenting with 23 your personal cell phone the inside of Mr. Gibson's house, that goes beyond just 24

Page 48 guarding Judge Goldston's personal safety, 1 2 right? 3 I would say yes. I mean, that is more akin to 4 Q. 5 helping Judge Goldston locate and retrieve items of personal property inside Mr. 6 7 Gibson's house? 8 Α. No. 9 MS. TULLY: Objection. 10 I would not agree with that, no. Α. You were documenting items of 11 Q. 12 personal property inside Mr. Gibson's house 13 that was being retrieved by other people? 14 More of recording what was being said or not said, taken or not taken. 15 to keep an accurate record of what was going 16 on inside the home. 17 When you took photographs with your 18 19 personal cell phone of firearms during a 20 prior incident with Judge Shuck, that was not 21 done in the interest of Judge Shuck's safety, was it? 22 23 It was not. Α. 24 Taking photographs of somebody's Q.

Page 49 firearms had absolutely nothing to do with

- 2 ensuring or protecting Judge Shuck's safety?
- 3 A. Correct.
- 4 Q. In fact, it was literally
- 5 documenting what was being taken out of that
- 6 residence?

1

- 7 A. Correct.
- 8 Q. And that's the same thing that you
- 9 were doing inside Matthew Gibson's house by
- 10 recording video, right?
- MR. ROBINSON: Object to the
- 12 form.
- 13 You can answer it.
- 14 A. I may have recorded a television at
- one point as I am recording. That doesn't
- 16 mean that the television was taken. I am not
- 17 -- I am not documenting -- I am not --
- 18 everything that I am recording is not being
- 19 taken. I don't know how else to say that.
- Q. What did you do with the recording
- 21 after the search was over? Did you provide
- 22 it to Judge Goldston?
- 23 A. I provided it to Debra, which is
- 24 our case coordinator -- or Donzetta. I can't

Page 50 1 remember. One of the two that work in our 2 I said, there it is, put it in the file, whatever you need to do with it. 3 then I immediately deleted it from my phone. 4 5 What are their names? 0. Donzetta Roush and Debra Johnson. 6 7 And they are case coordinators? 8 They work in -- one of them is a Α. 9 coordinator, and one is a clerical secretary. 10 For the sheriff's department? 11 For the judge -- judge's office. Α. 12 Q. For the family court? 13 Uh-huh. Α. So you provided the family court --14 somebody inside the family court with a copy 15 16 of the video that you took inside the 17 plaintiff's house? 18 Α. Correct. 19 And then you deleted it off your 20 phone? 21 Correct. Α. 22 And so you didn't keep a copy of 23 it? 24 A. Absolutely not. No.

Page 51 1 Did you ever have any conversations 0. 2 with Judge Goldston about the video footage that you took inside Mr. Gibson's house? 3 I told her I took video. And she 4 5 acknowledged that she saw me with my phone. When did that conversation take 6 7 place? 8 Immediately either when we got back Α. 9 in the Jeep or when we got back to the 10 courthouse. Did she say anything else? 11 Q. 12 Α. No. 13 Did you ever have any conversations with Judge Goldston about the propriety of 14 you filming inside Mr. Gibson's house? 15 Not as I recall. 16 Α. 17 Did she ever say to you not to do 18 that again? 19 I did get a call from someone No. 20 at the Supreme Court that said I shouldn't 21 have done that. 22 Did you personally receive that 23 call? 24 I did. A.

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Page 52
 1
           0.
               Do you recall who --
 2
           Α.
               I do not.
 3
               -- called you?
           Q.
               Lieutenant Stafford I think took
 4
           Α.
 5
     the call. I remember going to his office and
     talking with somebody. I don't recall if I
 6
 7
     called them back or they called me at a
 8
     certain time. But I remember having the
 9
     discussion on the phone, and they said to not
     -- asked why I did it. And I explained why.
10
     They said, that's not a good idea.
11
12
           0.
               Who told you that?
13
               Whoever I talked to. I don't
     remember who it was.
14
               Was this a lawyer?
15
16
               I don't know.
           Α.
               What's Lieutenant Stafford's first
17
           0.
18
     name?
19
               David.
           A.
20
               And is he a supervisor for you?
           Q.
21
               He is.
           Α.
22
               Is he over Sergeant Lilly, I
           Q.
23
     presume?
24
               He is.
           A.
```

Page 53 1 So at some point, Lieutenant 0. 2 Stafford called you into his office, and he had somebody from the Supreme Court on the 3 phone? 4 5 No. He told me that someone had called, and I -- like I said, I can't 6 7 remember if I was supposed to call them back. 8 And that may have been what it was. I went 9 to his office and he had the phone number 10 there and I called them back or something -something of that nature. 11 12 Did you call -- did you call that 13 person back from inside Lieutenant Stafford's office? 14 15 Yes. Α. 16 With him present? 0. 17 Α. No. So he called you into his office, 18 19 and then he left the room? 20 Correct. Α. 21 Did Lieutenant Stafford say 0. 22 anything else to you other than about 23 somebody is on the phone? 24 He just told me that someone A. No.

- 1 had called from the Supreme Court's office
- 2 and asked them that I call them back. And I
- 3 explained to them the entirety of, you know,
- 4 what we are going on now. And he said I
- 5 probably shouldn't have recorded it.
- 6 Q. So somebody from the Supreme Court
- 7 whose name you don't remember told you while
- 8 you were sitting in Lieutenant Stafford's
- 9 office that you probably should not have
- 10 recorded --
- 11 A. Right.
- 12 Q. -- recorded inside Mr. Gibson's
- 13 house?
- 14 A. Correct.
- 15 Q. Did that individual also tell you
- 16 that you probably should not or that you
- 17 should not accompany Judge Goldston to
- 18 anyone's house in the first place?
- 19 A. No.
- Q. Did Lieutenant Stafford have any
- 21 conversations with you about going to the
- 22 home of a litigant when you are a bailiff?
- 23 A. No.
- Q. Did Lieutenant Stafford have any

Page 55 1 conversations with you about whether or not you should record inside someone's house? 2 3 Α. No. Did you receive any discipline or 4 Q. anything as a result of this incident? 5 No. 6 A. 7 Have you ever been disciplined in Q. 8 your capacity as a law enforcement officer? 9 Α. No. 10 Formally or informally? Q. 11 Not at the sheriff's office. 12 Q. What about at Beckley? 13 I am sure I was for speeding or 14 I drive fast. That's why I'm a whatever. 15 policeman. If you can't beat them, join 16 them. 17 Have you ever had your deposition taken before? 18 19 Not since I have been a policeman 20 that I am aware of. 21 Have you ever been charged with a Q. 22 crime? 23 Α. No. 24 When you were inside Mr. Gibson's Q.

- 1 house, did you ever observe Judge Goldston
- 2 participating in looking for things?
- 3 A. No.
- 4 Q. What did you -- as -- I probably
- 5 should have asked you this first. What did
- 6 you observe Judge Goldston doing inside
- 7 Mr. Gibson's house?
- 8 A. As I recall, we went in. And it
- 9 seemed like we go to the left and down the
- 10 set of stairs, and then to the right into a
- 11 den with -- DVDs I think were in question.
- 12 And that was -- I think that was the primary
- 13 reason for us being there, was to retrieve
- 14 some DVDs and some photos.
- 15 Q. When the other deputies arrived,
- 16 what did they do? Did they go inside the
- 17 house?
- 18 A. Yes. They came down and asked if I
- 19 needed anything. And they dispersed the
- 20 crowd that was outside --
- Q. And why?
- 22 A. -- as far as I know. I stayed
- 23 downstairs.
- Q. Well, how do you know that they did

Page 57 1 that? He told me that's -- he went up and 2 A. made sure. 3 Who is "he"? 4 0. 5 Officer Stump. So Officer Stump told you that he 6 7 dispersed the crowd outside of Mr. Gibson's house? 8 9 Α. Right. 10 When did he tell you that? Q. 11 I am not sure. 12 Q. Do you know who he would be 13 referring to as the crowd? 14 No. Like I said, initially I -there were people there. And I am assuming 15 they were from both sides as witnesses or 16 17 maybe just giving rides to people. I don't know why they were there. 18 19 You knew --Ο. 20 But I didn't know there were going A. to be that many people there when I got 21 I thought it was just going to be the 22 there. 23 few of us. 24 Okay. Well, you knew that Mr. Q.

- 1 Gibson had people with him on his property
- 2 when you arrived?
- 3 A. Yes. There were several people
- 4 there.
- 5 Q. And it was your understanding that
- 6 they were there with his permission?
- 7 A. I would assume so.
- 8 Q. I mean, you saw Mr. Gibson's
- 9 girlfriend with a phone recording -- video
- 10 recording you and Judge Goldston?
- 11 A. I don't know if -- I didn't see
- 12 anybody videotaping.
- 13 Q. Okay. So it is your understanding
- 14 that Officer Stump, once he arrived, made
- 15 everybody leave Mr. Gibson's property?
- 16 A. Right. He told me he -- he got rid
- 17 of the crowd, and asked me if I needed
- 18 anything else. And I told him we seem to be
- 19 fine -- everybody seemed to be fine.
- Q. When you had that conversation with
- 21 Mr. Stump, was that inside Mr. Gibson's
- 22 house?
- 23 A. I believe so.
- Q. Do you recall where inside the

Page 59 1 house that took place? 2 Probably in the den downstairs. Did Mr. Gibson ever invite Officer 3 Stump inside his house? 4 5 I think we were already No. downstairs when Officer Stump came down. 6 7 So Mr. Gibson wasn't even aware 8 that Stump came in? 9 Not that I am aware of, no. Were you in Mr. Gibson's presence 10 11 pretty much the whole time during that 12 search? 13 Α. I think so, yes. 14 I may have asked you. But did you ever physically pick up any item of property 15 inside Mr. Gibson's house? 16 17 Not -- unless somebody asked me to 18 help move something. But I -- I don't think 19 -- I don't remember touching anything, no. 20 Who else -- what other deputies 0. arrived other than Officer Stump? 21

24 came inside Mr. Gibson's house?

22

23

I think it was Officer White.

And do you recall whether or not he

Page 60 1 A. I believe I did see him downstairs, 2 yes. Did he come in at the same time as 3 4 Stump? I don't know who came first. 5 Did they come in at about the same 6 7 time? 8 They could have. I do remember on Α. 9 the radio they were -- there was some mix-up 10 about the address. And I think -- I don't know if that had anything to do with the 11 order in which they arrived or not. 12 13 Do you know whether they knew what they -- what kind of scene they were 14 15 responding to or why? 16 I got on the radio and said that I am out at whatever -- I don't remember 17 the address -- but whatever road or drive or 18 19 something with the judge, and I -- if there was an officer available, I needed backup. 20 21 So you communicated that you were Q. 22 with the judge inside Mr. Gibson's home? 23 We weren't in the home. No. Α. 24 So you were still in the front Q.

Page 61 1 yard --2 A. Uh-huh. -- at that time? 3 Q. 4 So you communicated that you were 5 with the judge --Out at a residence with the judge. 6 7 And I asked if there was a unit that could 8 come and back me up. 9 And in either of the prior two 0. 10 times that you visited the home with Judge 11 Shuck, was there any other backup that was 12 involved or any other law enforcement officers that arrived at those incidents? 13 14 Α. No. 15 I may have asked you that. 16 Do you have any recollection about what Officer White did inside Mr. Gibson's 17 18 house? 19 As far as I remember, they just 20 came down and talked, made sure everything 21 was okay and left. 22 Do you have any idea how long they 23 were inside the house? 24 I don't. It was very brief. Α.

Page 62 1 Now, you testified that you gave 0. the video taken inside Mr. Gibson's house to 2 some case coordinators --3 4 A. Right. -- right? 5 Q. Uh-huh. 6 Α. 7 Is it your testimony that you did Q. 8 not directly provide this video to Judge Goldston? 9 10 Yes. So you are positive you didn't 11 directly give this video to Judge Goldston? 12 That's correct. 13 So if she got a copy of that video, 14 15 it wasn't from you? 16 Right. Α. 17 Not directly? 0. 18 Right. Α. 19 We played the video that you took 20 here a couple times so far before you came 21 And you can correct me if I am wrong in. 22 But it is my understanding that on the video, you said -- you said to somebody that 23 24 you might want to place a limit on the number

Page 63 1 of items taken because it might be too much 2 to carry. Do you recall -- do you recall 3 that? I don't. 4 Α. 5 I believe you were talking to the judge about placing a limit on what physical 6 7 property could be carried out of there? That's possible. I don't recall. 8 Α. 9 Have you watched the video 0. recently? 10 11 Α. Huh-uh. 12 MR. BRYAN: Give me one second to 13 talk to them. (Break in proceedings.) 14 15 BY MR. BRYAN: 16 Just to clarify -- just so I 17 understand, it is your testimony that your 18 employer has never told you even to this day 19 that you are not to accompany Judge Goldston 20 or any other judge to the home of a litigant 21 ever again as had occurred on March 4, 2020? 22 I don't recall being told directly Α. 23 But common sense would tell me right 24 now that -- definitely get the clearance

Page 64 1 before I did it again. Well, to be fair to you, you did --2 3 it is your testimony that you did go to Sergeant Lilly before the first Shuck 4 5 incident, right? Correct. 6 Α. 7 And Sergeant Lilly told you that it 8 was fine for you to go with Judge Shuck to 9 the home of a litigant? His response is -- was we do do 10 11 that from time to time. 12 And if I understand you correctly, 13 at no point after that did any supervisor 14 ever tell you not to do that again? 15 Correct. And it is your testimony here today 16 17 that you are not aware of any written policy

- 18 changes or anything like that pertaining to
- 19 going to the home of a litigant with a judge?
- 20 A. Not that I am aware of, no.
- Q. Okay. It is just your own common
- 22 sense that tells you not to do that again?
- 23 A. Right.
- Q. So let me ask you this. You know,

- 1 if a judge asks you to go with her or him
- 2 again to the home of a litigant, would you do
- 3 it again?
- 4 A. I would check with Lieutenant
- 5 Stafford and say, Judge McGraw or Judge Shuck
- 6 or Judge Goldston is requesting to go to a
- 7 home. And if he gave me clearance to do it,
- 8 I would do it.
- 9 Q. But as we sit here today, none of
- 10 your supervisors have proactively come
- 11 forward to tell you, look, don't do that
- 12 again?
- 13 A. No. I may have gone to them and
- 14 said, I won't do it again.
- 15 Q. They are aware of the fact that you
- 16 are still serving as a bailiff?
- 17 A. Yes.
- 18 MR. BRYAN: I don't think I have
- 19 any other questions. Thank you.
- MR. ROBINSON: I don't have
- 21 anything.
- MS. TULLY: I don't have
- 23 anything.
- MR. ROBINSON: You can read your

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Page 66
 1
     deposition to see if there were any mistakes
 2
     that were made, or you can waive it.
                   THE WITNESS:
 3
                                   I waive.
                  (Deposition concluded at 2:45
 4
 5
     p.m.)
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1	CERTIFICATE	Page	67
2			
3	I, Tara Arthur, Certified Stenotype		
4	Reporter and Notary Public, do hereby		
5	certify that the foregoing deposition of the		
6	above-named witness, was duly taken by me in		
7	machine shorthand, and that the same were		
8	accurately written out in full and reduced		
9	to computer transcription.		
10	I further certify that I am neither		
11	attorney or counsel for, nor related to or		
12	employed by any of the parties to the action		
13	in which this deposition is taken; and		
14	furthermore, that I am not a relative or		
15	employee of any attorney or counsel employed		
16	by the parties hereto or financially		
17	interested in the action.		
18	My commission expires April 16, 2022.		
19	are arthur		
20	Tara Arthur		
21	Certified Court Reporter/Notary Public		
22			
23			
24			

				1
1	accompanied 23:13	anyone's 54:18	attorneys 29:6	battery 42:19 46:22
100 46:18	accompany	anytime	awarded 18:7	beat 55:15
19 7:7 10:1	20:23 38:17	13:10 30:24	aware 19:13	Beckley 6:12,
19 7.7 10.1	40:17,23 44:15 54:17	appeared	22:4,7,10,11,	17 20:2,13
2	63:19	15:5,6 18:5	13,15,19 23:23 34:3	23:16 55:12
	accurate	approach	39:18,20,21	began 36:4
20 20:4,16	48:16	39:10,11	55:20 59:7,9	beginning
36:2	acknowledge	approached 18:23 44:14	64:17,20	27:8
2017 6:19	d 51:5		65:15	body 43:2
2020 5:7,24	act 12:8	approximatel v 16:1	В	break 63:14
17:4 21:22 22:3,11,14	acting 12:5			Brian 31:11
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